# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Before the Board of Patent Appeals and Interferences

In re the Application

| | | |
|---|---|---|
| Inventor | : | DUPUY |
| Application No. | : | 10/517,538 |
| Filed | : | 12/10/2004 |
| For | : | METHOD FOR HANDLING POSITION DATA IN A MOBILE EQUIPMENT... |

## APPEAL BRIEF

### On Appeal from Group Art Unit 2617

| | |
|---|---|
| Date: 8/4/2008 | By: Michael Ure<br>Attorney for Applicant<br>Registration No. 33,089 |

## TABLE OF CONTENTS

## TABLE OF CASES

NONE

## I.     REAL PARTY IN INTEREST

The real party in interest is NXP B.V., the successor in interest to the present assignee of record of the present application, Koninklijke Philips Electronics N.V., and not the party named in the above caption.

## II.     RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

## III.     STATUS OF CLAIMS

Claims 5, 12 and 14 have been canceled. Claims 1-4, 6-11, 13 and 15-21 are pending, all of which stand finally rejected and form the subject matter of the present appeal.

## IV.     STATUS OF AMENDMENTS

All amendments have been entered. No amendment after final rejection has been submitted.

## V.     SUMMARY of the CLAIMED SUBJECT MATTER

The present invention, in one embodiment thereof (claim 1), relates to a method for generating position information in a mobile equipment provided with at least two

position determination devices. Each position determination device is allocated at least one stored parameter value. A context information, including whether a user is in transit, on foot or indoors, and depending on the context information, a corresponding position determination device selection process is chosen based on the value of the at least one parameter for each position determination device. A position determination device is then selected according to the chosen selection process and activated.

In another embodiment (claim 10), a mobile equipment having data processing capabilities is provided with at least two position determination devices each capable of delivering position information of the mobile equipment in a specific format, and at least two drivers for said position determination devices, each driver being capable of storing and retrieving at least one parameter associated with the position determination device. A location handling unit is in communication with the drivers and is capable of communicating with an application for providing position information. The location handling unit is selects a position determination device to be used for obtaining position information based on a context information, including whether a user is in transit, on foot or indoors, and on the values of said parameters stored in the drivers. Each driver is capable of storing and retrieving at least two different parameters and the location handling unit is adapted to receive a context message from the application. A priority of parameters is established as a function of the context message.

The following analysis of independent claim 1 is presented for convenience:

| Element | Figure(s) | Paragraph(s) and/or page(s) |
|---|---|---|
| 1. A method for generating position information in a | | |

| mobile equipment provided with at least two position determination devices, the method comprising the following steps: | | |
|---|---|---|
| - allocating to each position determination device at least one stored parameter value, | Fig. 2 | Table II, page 19 |
| - determining a context information, including whether a user is in transit, on foot or indoors, | Fig. 2 | Table I, page 18 |
| - depending on the context information, choosing a corresponding position determination device selection process based on the value of said at least one parameter for each position determination device, | Fig. 2 | Page 15, lines 15-20 |
| - selecting a position determination device according to the chosen selection process, and | Fig. 3 | Page 21, lines 15-31 |
| - activating said selected position determination device. | Fig. 3 | Page 21, lines 15-31 |

The following analysis of independent claim 10 is presented for convenience:

| Element | Figure(s) | Paragraph(s) and/or page(s) |
|---|---|---|
| 10. A mobile equipment having data processing capabilities, comprising: | | |
| - at least two position determination devices each capable of delivering position information of the mobile equipment in a specific format, | Fig. 1(GPS NMEA, GPS SiRF, BlueTooth) | Page 13, lines 1-15 |
| - at least two drivers for said position determination devices, each driver being capable of storing and retrieving at least one parameter associated with the position determination device, | Fig. 1 (GPS NMEA, GPS SiRF, BlueTooth) | Page 7, lines 11-16 |
| - a location handling unit in communication with said drivers and capable of communicating with an application for providing position information, said location handling unit being capable of selecting a position determination device to be used for obtaining position information based on a context information, including whether a user is in transit, on foot or indoors, and on the values of said parameters stored in the drivers wherein each driver is capable of storing and retrieving at least two different parameters and said location handling unit is adapted to receive a context message from said application and a priority of | Fig. 1 (Location Manager); Fig. 2 | Page 13, lines 1-15; page 20, line 19 to page 21, line 14. |

| parameters is established as a function of said context message. | | |
|---|---|---|

## VI.    GROUNDS of REJECTION to be REVIEWED ON APPEAL

The issues in the present matter are whether:

1.  under 35 USC 103, claims 1-4 are unpatentable over Vilppula in view of Roel-Ng, further in view of Orler.

2. under 35 USC 103, claims 6-9 are unpatentable over Vilppula in view of Roel-Ng, further in view of Orler, and further still in view of Ludwig.

3. under 35 USC 103, claims 10-16 are unpatentable over Vilppula in view of Roel-Ng, further in view of Orler.

4. under 35 USC 103, claims 17-20 are unpatentable over Vilppula in view of Roel-Ng, further in view of Orler, and further still in view of Yabe.

5. under 35 USC 103, claims 1-4 are unpatentable over Vilppula in view of Roel-Ng, further in view of Orler, and further still in view of Yabe.

## VII.   ARGUMENT

### I. Rejection of Claims 1-4 as unpatentable over Vilppula in view of Roel-Ng, further in view of Orler

Vilppula is similar to the present invention in at least the following respect: it teaches a component-based architecture for integrating multiple position determining technologies into a single mobile device.

However, nowhere does Vilppula teach or suggest determining a context information, including whether a user is in transit, on foot or indoors, as recited in claim 1.

Nor does the rejection make any attempt to show that Vilppula or any of the supporting references teaches or suggests determining a context information, including whether a user is in transit, on foot or indoors.

Accordingly, it may be seen that Vilppula in view of Roel-Ng, further in view of Orler does not teach or suggest the invention of claim 1.

With regard to dependent claims 2-4, these claims depend from independent claim 1, which has been shown to be patently distinguishable over the cited reference. Accordingly, these claims are also patently distinguishable and allowable over the cited references by virtue of their dependency upon an allowable base claim.

## II. Rejection of Claims 1-4 as unpatentable over Vilppula in view of Roel-Ng, further in view of Orler and further still in view of Ludwig

The addition of Ludwig does nothing to remedy the deficiencies of the rejection of claim 1, noted above. Accordingly, claims 6-9 are also believed to patentably define over the cited references.

## III. Rejection of Claims 10, 11, 13, 15 and 16 as unpatentable over Vilppula in view of Roel-Ng, further in view of Orler

As noted above, Vilppula is similar to the present invention in at least the following respect: it teaches a component-based architecture for integrating multiple position determining technologies into a single mobile device.

However, nowhere does Vilppula teach or suggest selecting a position determination device to be used for obtaining position information based on a context information, including whether a user is in transit, on foot or indoors, as recited in claim 10.

Nor does the rejection make any attempt to show that Vilppula or any of the supporting references teaches or suggests selecting a position determination device to be used for obtaining position information based on a context information, including whether a user is in transit, on foot or indoors.

Accordingly, it may be seen that Vilppula in view of Roel-Ng, further in view of Orler does not teach or suggest the invention of claim 10.

With regard to dependent claims 11, 13, 15 and 16, these claims depend from independent claim 1, which has been shown to be patently distinguishable over the cited

reference. Accordingly, these claims are also patently distinguishable and allowable over the cited references by virtue of their dependency upon an allowable base claim.


## IV. Rejection of Claims 17-20 as unpatentable over Vilppula in view of Roel-Ng, further in view of Orler and further still in view of Yabe

The addition of Yabe does nothing to remedy the deficiencies of the rejection of claim 10, noted above. Accordingly, claims 17-20 are also believed to patentably define over the cited references.


## V. Rejection of Claim 21 as unpatentable over Vilppula in view of Roel-Ng, further in view of Orler and further still in view of Yabe

The addition of Yabe does nothing to remedy the deficiencies of the rejection of claim 1, noted above. Accordingly, claim 21 is also believed to patentably define over the cited references.


In view of the above, applicant submits that all of the above referred-to claims are patentable over the teachings of the cited references.

## VIII.   CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to anticipate or render obvious the subject matter of any of the present claims.  Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.


Date:  8/4/2008           By:     /Michael J. Ure/
                                      Michael Ure
                                      Attorney for Applicant
                                      Registration No. 33,089

## IX.    APPENDIX: THE CLAIMS ON APPEAL

1. A method for generating position information in a mobile equipment provided with at least two position determination devices, the method comprising the following steps:

      - allocating to each position determination device at least one stored parameter value,

      - determining a context information, including whether a user is in transit, on foot or indoors,

      - depending on the context information, choosing a corresponding position determination device selection process based on the value of said at least one parameter for each position determination device,

      - selecting a position determination device according to the chosen selection process, and

      - activating said selected position determination device.

2. A method according to claim 1, wherein at least two stored parameter values are allocated to each position determination device.

3. A method according to claim 2, wherein said stored parameter values include at least one among an accuracy value, a response time value and a power consumption value.

4. A method according to claim 3, wherein the step of selecting a position determination device comprises the sub-steps of:

- ranking the position determination devices depending on the chosen selection process, and

- selecting an available position determination device of best rank.

6. A method according to claim 1, wherein position data include physical position data and logic position data.

7. A method according to claim 6, wherein physical position data include Cartesian coordinates and longitude/latitude coordinates.

8. A method according to claim 6, wherein logic position data include radiofrequency beacon identifiers.

9. A method according to claim 8, wherein the conversion step comprises reading from a table physical coordinates corresponding to at least one beacon identifier.

10. A mobile equipment having data processing capabilities, comprising:

- at least two position determination devices each capable of delivering position information of the mobile equipment in a specific format,

- at least two drivers for said position determination devices, each driver being capable of storing and retrieving at least one parameter associated with the position determination device,

- a location handling unit in communication with said drivers and capable of communicating with an application for providing position information, said location handling unit being capable of selecting a position determination device to be used for obtaining position information based on a context information, including whether a user is in transit, on foot or indoors, and on the values of said parameters stored in the drivers wherein each driver is capable of storing and retrieving at least two different parameters and said location handling unit is adapted to receive a context message from said application and a priority of parameters is established as a function of said context message.

11. A mobile equipment according to claim 10, wherein said position determination devices are selected from the group comprising cell-based positioning devices, satellite-based positioning devices and beacon-based positioning devices.

12. (Canceled)

13. A mobile equipment according to claim 12, wherein said parameters comprise at least two among a position accuracy parameter, a response time parameter and a power consumption parameter.

15. A mobile equipment according to claim 10, wherein said location handling unit comprises a ranking means capable of storing a set of position determination devices with a preference order according to the parameter(s) of higher priority.

16. A mobile equipment according to claim 15, wherein said location handling unit comprises an availability checking means for checking whether a preferred position determination device in said set is available or not and, in the negative, for checking the next preferred position determination device.

17. A mobile equipment according to claim 10, wherein said location handling unit is capable of providing to said application position data together with accuracy information relating to said data.

18. A mobile equipment according to claim 10, further comprising a position data conversion unit in communication with said location handling unit.

19. A mobile equipment according to claim 18, wherein said location handling unit is responsive to data format requirement information provided by the application for requesting conversion by said position data conversion unit.

20. A mobile equipment according to claim 19, further comprising a position history unit capable of storing a plurality of position data together with time/date information.

21. The method of claim 1, further comprising:

    - identifying a position data format as requested by an application,

    - determining whether a currently active position determination device supplies data according to this format, and,

    - in the negative, converting the position data supplied by the currently active position determination device into the requested position data format.

X.  **APPENDIX: RELATED PROCEEDINGS**

**NONE**

XI.  **APPENDIX: EVIDENCE**

**NONE**